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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,052	10/31/2003	Tarun K. Arora	PPC-5026-US-NP	1208
27777	7590	02/28/2006	EXAMINER	
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003			HAND, MELANIE JO	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,052

Applicant(s)

ARORA ET AL.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 15 and 16 are directed to ranges for the diameter of liquid-absorbing particles, however there is no support for these ranges in the disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12, 14, 19-22 and 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Carlucci et al (U.S. Patent Application Publication No. 2003/0065299).

With respect to **Claims 1-3, 24-27**: Carlucci teaches an absorbent article having first and second transverse edges longitudinally opposed to one another, transversely

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opposed side edges, a liquid-pervious topsheet, a liquid-impervious backsheet and an absorbent core therebetween. The absorbent core comprises a fluid distribution layer overlying a hydrogel material, which is capable of being produced and integrated in coating form. Carlucci teaches that all components of the article are transparent.

With respect to **Claims 4,20**: Carlucci teaches that the absorbent core is comprised of 100% transparent absorbent gelling material. ('299, ¶ 0045)

With respect to **Claim 5**: Carlucci teaches a fibrous layer that provides the same function as a distribution layer. ('299, ¶ 0047) Since said fibrous layer is a distribution layer, Examiner asserts that the fibers would be nonwoven to properly perform the function of being capable of absorbing fluid and directing said fluid to the core material.

With respect to **Claim 6**: Carlucci teaches that the entire absorbent core has a thickness of 0.1-1.8 mm, therefore the thickness of a distribution layer would fall in that range. ('299, ¶ 0053)

With respect to **Claims 7,12,14,19**: Carlucci teaches an absorbent core comprised of polypropylene and superabsorbent fibers having a basis weight of 80 gsm. ('299, ¶ 0090)

With respect to **Claims 8,9**: Since Carlucci teaches that the hydrogel material is disposed between a distribution layer and a backsheet, and said hydrogel material is capable of being produced and applied in coating form, said hydrogel material is capable of being applied on a surface of said distribution layer or on a body-facing surface of the backsheet.

With respect to **Claims 10,11**: Carlucci teaches removing white color filler from the backsheet (comprised of conventional backsheet material), coloring material from the topsheet, and a hydrogel material for the absorbent core which is by its nature transparent ('299, ¶¶ 0018,0023) Since the distribution layer is fibrous, it is also capable of being stripped of its colorants.

With respect to **Claim 21**: Carlucci teaches that the light transmittance of the article is greater than 40%. ('299, ¶ 0015)

With respect to **Claim 22**: Carlucci teaches that the absorbent core is 0.1-18 mm thick, therefore Examiner asserts that substantially all fibers that are suitable for said fibrous layer with a thickness consistent with the thickness of the core would form a fibrous layer with a denier in the range of 1.5-15 dpf.

Claims 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Luizzi (EP 1,013,291 A1).

With respect to **Claim 28**: Luizzi teaches coating an impermeable barrier layer 20 of an absorbent article 1 with an absorbent hot melt adhesive 40. Luizzi teaches that the composition is comprised of hydrogel material, tackifying resin and block copolymer that together form a transparent substance, and thus a transparent coating. ('299, ¶¶ 0009,0022)

With respect to **Claim 29**: Luizzi teaches applying the adhesive 40 using hot melt devices, ('291, ¶ 0021) therefore the adhesive will be melted above its melting point such that said adhesive is in a spreadable state.

With respect to **Claim 30**: Luizzi teaches that said adhesive 40 comprises superabsorbent polymer particles. ('291, ¶¶ 0009,0017)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 13-18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlucci ('299) in view of Luizzi ('291).

With respect to **Claim 13**: Carlucci teaches a transparent conventional adhesive, which encompasses hot melt adhesive, but does not teach that the absorbent core contains said adhesive. Luizzi teaches an absorbent hot melt adhesive. Since the adhesive is both capable of acting as an adhesive and is absorbent, it provides a dual function making a thinner article possible, therefore it would be obvious to one of ordinary skill in the art to modify the hydrogel material taught by Carlucci to be further comprised of hot melt adhesive as taught by Luizzi.

With respect to **Claims 15,16**: Carlucci does not teach a size for the superabsorbent particles. Luizzi teaches superabsorbent particles having a diameter of less than 150 microns. Luizzi teaches that superabsorbent particles of this size are components of well-known superabsorbent materials suitable for use in the adhesive, therefore it would be obvious to one of ordinary skill in the art to modify the superabsorbent particles taught by Carlucci to have a diameter of less than 150 microns as taught by Luizzi.

With respect to **Claims 17,18**: Carlucci does not teach that the hydrogel material is comprised of tackifying resin and block copolymer. Luizzi teaches that the hot melt adhesive composition comprises tackifying resin and block copolymer comprised of a block of a conjugated diene elastomer. Since Luizzi teaches that the hot melt composition also comprises a hydrogel absorbent material and that the composition performs the dual function of adhesive and absorbent, it would be obvious to modify the hydrogel composition taught by Carlucci so as to be further comprised of tackifying resin and a block copolymer, as tackifying resin and block copolymer are essential ingredients for the success of a polymeric adhesive.

With respect to **Claim 23**: Carlucci does not teach that the hydrogel material extends from first and second longitudinally extending edges of said article. Luizzi teaches in Figs. 1 and 5 that the area of coating extends from the side edges of said article. Luizzi teaches several patterns for coating ('291, ¶ 0022), therefore Examiner asserts that a pattern wherein the hydrogel adhesive extends from the side edges is simply one method of disposing said material that is functionally equivalent to other positions or patterns. In the instant case substitution of equivalent methods requires no express motivation, as long as the prior art recognizes equivalency, *In re Fount* 213 USPQ 532 (CCPA 1982); *In re Siebentritt* 152 USPQ 618 (CCPA 1967); *Graver Tank & Mfg. Co. Inc. v. Linde Air Products Co.* 85 USPQ 328 (USSC 1950).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

